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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,894	03/15/2004	Suzzy Rex	1360	8317

7590 01/25/2005

Law Offices of John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,894	REX ET AL.	
	Examiner	Art Unit	
	Shay L Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slots on the proximal end of the handle and the locking pins on the proximal end of the arm must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 states that the arm circumscribes the handle, and that the handle has a pair of receiving slots. Claim 4 states that locking pins are formed at the proximal end of the arm. If the pins are on the arm and the slots are on the handle and the arm circumscribes the handle, then how are the pins received in the slots? The only way these limitations would make sense would be if the pins were located on the inner surface of the arm so that when the handle is received within the arm the pins then mate with the slots. If this is the case, the applicant needs to correctly claim this as well as show this feature in the drawings. Please clarify, however make note that if this is the case, incorporating this in the drawing and specification may be considered new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dolah (USPN 6295681).

Dolah teaches a cleaning device comprising a handle (12), a duster head (92) removably attached to a distal end of the handle and an internal battery and motor (26, 32) housed within the handle for actuating operative control of the duster.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sandt (USPN 4137588).

Sandt teaches a cleaning device comprising a handle (6), a duster head (50) removably attached to a distal end of the handle and an internal battery and motor (12, 14) housed within the handle for actuating operative control of the duster.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Park (PGPub 2003/0097724).

Park teaches a cleaning device comprising a handle (50), a duster head (12) removably attached to a distal end of the handle and an internal battery and motor (120, 130) housed within the handle for actuating operative control of the duster.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolah in view of Henson (USPN 3423781).

Dolah teaches all the essential elements of the claimed invention however fails to teach an extension arm removably attached to the handle. Henson teaches a cleaning device comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at a distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arm and pins (22) located on the handle. The pins on the handle are

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received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add an extension arm to Dolah's cleaning tool using a pin and slot connection means so that Dolah's invention would be have an increased versatility and could be used to clean out of reach places.

As stated above, examiner believes that applicant has incorrectly claimed the locations for the pins and the slots. Whether the pins are located on the handle or arm, or whether the slots are on the handle or the arm, it would have been obvious to reverse the locations of the slots and pins since reversing parts is a modification that has been considered to be within the level of ordinary skill in the art to follow.

In re Gazda (104 USPQ 400, 402).

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolah in view of Lester (USPN 4204292).

Dolah teaches all the essential elements of the claimed invention however fails to teach an extension arm removably attached to the handle. Lester teaches a cleaning device comprising a handle (21) and a linear extension arm (101) removably attached to the handle. There is a cylindrical receiving cavity formed at a distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a slot (105a) on the arm and a pin (105b) located on the handle. The pin on the handle is received within the slot on the arm to securely lock the handle to the arm. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an extension arm to Dolah's cleaning tool using a pin and slot connection means so that Dolah's invention would be have an increased versatility and could be used to clean out of reach places.

As stated above, examiner believes that applicant has incorrectly claimed the locations for the pins and the slots. Whether the pins are located on the handle or arm, or whether the slots are on the handle or the arm, it would have been obvious to reverse the locations of the slots and pins since reversing

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parts is a modification that has been considered to be within the level of ordinary skill in the art to follow.

In re Gazda (104 USPQ 400, 402).

While Lester does not teach having a pair of opposing slots or a pair of pins, duplicating part for a multiple effect is a modification that has been considered to be with the level of ordinary skill in the art to follow. In re Harza (124 USPQ 378, 380).

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandt et al. in view of Henson (USPN 3423781).

Sandt teaches all the essential elements of the claimed invention however fails to teach an extension arm removably attached to the handle. Henson teaches a cleaning device comprising a handle (20) and a linear extension arm (10) removably attached to the handle. There is a cylindrical receiving cavity formed at a distal end of the arm. The cavity circumscribes a proximal end of the handle. There is a pair of opposing slots (26) on the arm and pins (22) located on the handle. The pins on the handle are received within the slots on the arm to securely lock the handle to the arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add an extension arm to Sandt's cleaning tool using a pin and slot connection means so that Sandt's invention would be have an increased versatility and could be used to clean out of reach places.

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As stated above, examiner believes that applicant has incorrectly claimed the locations for the pins and the slots. Whether the pins are located on the handle or arm, or whether the slots are on the handle or the arm, it would have been obvious to reverse the locations of the slots and pins since reversing parts is a modification that has been considered to be within the level of ordinary skill in the art to follow. In re Gazda (104 USPQ 400, 402).

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Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Henson (USPN 3423781).

Park teaches all the essential elements of the claimed invention including an extension arm, however Park fails to teach that the extension arm is removably attached to the handle. Henson teaches a cleaning device comprising a handle (20) and a linear extension arm (10) removably attached to the

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As stated above, examiner believes that applicant has incorrectly claimed the locations for the pins and the slots. Whether the pins are located on the handle or arm, or whether the slots are on the handle or the arm, it would have been obvious to reverse the locations of the slots and pins since reversing parts is a modification that has been considered to be within the level of ordinary skill in the art to follow. In re Gazda (104 USPQ 400, 402).

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Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolah in view of Henson as applied to claims 2-5 above and yet further in view of Leas (USPN 2624061).

Dolah in view of Henson teaches all the essential elements of the claimed invention however fails to teach that the extension part may be curvilinear. Leas teaches a cleaning device comprising a curvilinear extension arm (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the curvilinear extension arm on Dolah in view of Henson so that the cleaning device would be able to clean places which are awkward to reach for instance under beds and bureaus or the tops of build out clothes closets and tall bookcases (col. 1, lines 1-6).

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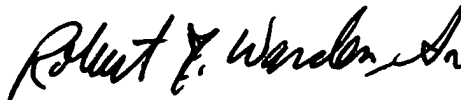
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
1/19/05


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